

**Exhibit 2**

**IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RICHARD A. BAUMGART CHAPTER	:	
7 TRUSTEE FOR THE BANKRUPTCY	:	
ESTATE OF YAZMIN TORRES-DUQUM	:	
	:	CASE NO. 1:20-cv-00998-DAP
Plaintiff	:	
	:	JUDGE DAN AARON POLSTER
v.	:	
	:	
UNIVERSITY HOSPITALS	:	
CLEVELAND MEDICAL CENTER	:	
	:	
Defendant.	:	

**DECLARATION OF PAMELA LANTER**

I, Pamela Lanter, being duly cautioned and sworn, hereby declare as follows:

1. Relevant to this lawsuit, in 2016 and 2017, I was employed at UH St. Johns Medical Center ("SJMC"). In this position, I managed the physical therapy department at SJMC.
2. I am familiar with Yazmin Torres ("Torres").
3. Torres applied for a PRN position at SJMC in late 2016.
4. I was involved with Torres' interview for the PRN position. Torres was ultimately selected for the PRN position at SJMC in December of 2016.
5. As to the PRN position, the purpose of the position is to fill scheduling needs that arise due issues such as employee call-offs, vacations, or patient demands. When a scheduling need is identified, SJMC offers the available shifts to those PRNs qualified to work in the area with the specific need. PRNs are only scheduled to work if there is a need. PRNs set their own schedules, provide their own hours available for work to SJMC, and have the ultimate discretion to accept or reject a shift that is offered to them.

6. Consistent with the PRN position, Torres set her own schedule for SJMC by deciding whether she wanted to accept work that was offered to her.

7. SJMC has a strong desire to offer hours to PRN when work is available – patient needs are served and SJMC earns revenue for the PRN hours.

8. Torres provided very limited hours of availability to SJMC and turned down several PRN shifts offered to her by SJMC.

9. Ultimately, the demand for the physical therapist PRN position decreased in 2017.

10. There was only one other physical therapist PRN assigned to outpatient orthopedic rehabilitation at St. Johns in 2017, Kevin Brochetti. Brochetti had the same skills as Torres and was also a PRN.

11. Although Brochetti provided more availability to SJMC, Brochetti was only scheduled to work three hours in 2017.

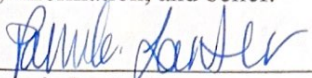
12. Torres, however, was scheduled to work 14.48 hours in 2017 – nearly five times as many hours as Brochetti.

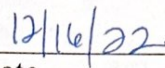
13. Torres was treated the same as the other physical therapist PRN assigned to SJMC. Importantly, because resolving scheduling issues maximized patient care and business needs, SJMC treated all PRNs the same with respect to scheduling and all employment decisions.

14. Torres' work hours at SJMC were driven by patient need, hours available, and Torres' rejection or acceptance of the offered hours.



Pursuant to 28 U.S.C. § 1746, I have read the foregoing declaration and I affirm under the penalty of perjury under the laws of Ohio and the United States of America that the foregoing is true and accurate to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
Pamela Lanter

  
\_\_\_\_\_  
Date